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C O N F I D E N T I A L TASHKENT 000767

SIPDIS

DEPT FOR SCA, DRL, AND G/TIP
SCA FOR BRIAN RORAFF; DRL FOR RACHEL WALDSTEIN; G/TIP FOR
MEGAN HALL

E.O. 12958: DECL: 07/02/2018
TAGS: [PHUM](#) [ICRC](#) [KWMN](#) [PGOV](#) [PREL](#) [UZ](#)
SUBJECT: UZBEKISTAN: HEALTH CONDITION OF RELEASED HUMAN
RIGHTS ACTIVIST UNCLEAR

REF: A. TASHKENT 627
[1](#)B. TASHKENT 501

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

[1](#)1. (C) Summary: During a three-day visit to the Ferghana Valley on June 25 - 27, poloff visited human rights activist Mutabar Tojiboyeva at a private clinic in Margilan, where she has been receiving treatment since being released from prison on medical grounds on June 2. Tojiboyeva explained that her current medical condition is unclear, as authorities have refused to share with her documentation from medical checkups performed on her while she was in prison and from a hysterectomy performed on her in March. The private clinic has conducted its own medical examination, but its results appear to be unreliable. Tojiboyeva further reported that conditions at the Tashkent Women's Colony have improved over the past six months, though she was previously mistreated by prison officials; that many women convicted of "normal criminal activity" were amnestied each year, but not religious prisoners or those convicted of human trafficking; and that her hysterectomy at a Tashkent hospital was scheduled at the same time the International Committee of the Red Cross (ICRC) visited the Tashkent Women's Colony, but that she was later interviewed by the ICRC during a repeat prison visit. Poloff was accompanied to the meeting by the French DCM, whose government requested the Uzbeks to allow Tojiboyeva to seek medical treatment abroad. We agree this would be the best option for both Tojiboyeva and the Uzbek government. Furthermore, Tojiboyeva's observation that conditions have improved at the Tashkent Women's Colony also tracks with what we have heard from other activists about Uzbek prisons in different parts of the country. End summary.

TOJIBOYEVA RECEIVING MEDICAL ASSISTANCE AT PRIVATE CLINIC

[1](#)2. (C) Accompanied by French DCM Christophe Le Rigoleur,

poloff met on June 25 with human rights activist Mutabar Tojiboyeva, who was sentenced to eight years' imprisonment on politically-motivated charges in 2006 and was released from prison on medical grounds on June 2 (ref A). Poloff and Le Rigoleur met with Tojiboyeva at a private medical clinic where she was receiving treatment. Tojiboyeva was very talkative and appeared in good spirits, but she also complained of suffering from a host of medical ailments.

13. (C) Tojiboyeva noted that the private clinic charged its patients 8,000 soums (6 dollars) a day, not including the price of any medications. Tojiboyeva estimated that her planned ten-day stay at the private medical clinic would cost 300,000 soums (227 dollars) (Comment: Tojiboyeva was provided money through the U.S. State Department's Global Defender's Fund, and we believe she is using some of those funds to pay for her stay at the private medical clinic, which is relatively expensive by Uzbek standards. End comment.)

TOJIBOYEVA'S CURRENT MEDICAL CONDITION UNCLEAR

14. (C) Tojiboyeva's current medical status is unclear, as the government reportedly refuses to share with her the results of medical evaluations that were performed on her while she was imprisoned. In March, while still imprisoned, Tojiboyeva underwent what appears to be a hysterectomy at a public hospital in Tashkent (ref B). Tojiboyeva told poloff on June 25 that she was not informed about the operation before it occurred, and authorities did not subsequently share with Tojiboyeva any detailed information or documents about the

operation. A Ministry of Internal Affairs (MVD) representative visited Tojiboyeva in prison after the operation, and told her that her illness was serious and used some medical terminology to describe it, but Tojiboyeva said that she did not understand or remember the medical terminology that was used (Comment: Human Rights Watch director Igor Vorontsov earlier told poloff that Tojiboyeva had cancer. While this is still a possibility, it now appears less certain. End comment.)

15. (C) Since her operation, Tojiboyeva reported that she has trouble sleeping and suffers from hot flashes. She said that she feels particularly ill in the morning and that her symptoms appear to worsen in six to ten day cycles. She also reported that she has high blood pressure and suffered from frequent fainting spells while in prison. In addition, she has problems with her kidneys. Fortunately, Tojiboyeva reported that her lungs "were fine" and that she had not contracted tuberculosis while in prison.

16. (C) Tojiboyeva said that the doctors at the private medical clinic had examined her, and gave poloff a printout of their results. Tojiboyeva noted that the document listed 42 medical illnesses from which she reportedly suffered, including anemia and diabetes, but added that she did not understand some of the other illnesses. After returning to Tashkent, poloff shared the medical document with a local doctor who works at the Embassy. The doctor said that the document was not a serious medical document and contained no meaningful medical information about Tojiboyeva. He believed that the document came from an unreliable "computerized diagnostic" machine sold in the former Soviet Union which purportedly detects illnesses simply by measuring one's blood pressure or irises. The doctor said that he would be surprised if such a machine was being used at a private medical facility. Poloff has requested that the Tojiboyeva family share the contact information of the private medical clinic, so that the Embassy doctor could directly confer with the doctor who treated Tojiboyeva.

CURRENT RESTRICTIONS ON MOVEMENT ALSO UNCLEAR

17. (C) Tojiboyeva emphasized that she was not amnestied, but

was released from prison on health grounds on a suspended three-year sentence. Tojiboyeva was unsure about the current restrictions on her movement and other activities. Local police in Margilan reportedly told her that she remains subject to the conditions of Article 72 of the Criminal Code (which covers suspended sentences), but she has not received any official documentation from the Uzbek government to this effect. According to Tojiboyeva's interpretation of Article 72, she is unable to leave the country (Comment: According to the Embassy's Legal Assistant, Article 72 does not expressly forbid an individual from traveling abroad, but does require them to periodically check in with the police, so it is generally interpreted as preventing individuals from leaving Uzbekistan. End comment.) Tojiboyeva believed that she was able to travel internally in Uzbekistan, but needed to receive permission from the local police department before leaving Margilan. Both poloff and Le Rigoleur invited Tojiboyeva to their respective upcoming national days. On June 30, Tojiboyeva's brother Rasul told poloff that Tojiboyeva received permission from the Margilan police department to attend the Embassy's 4th of July reception this week. However, on July 2, Rasul told poloff that Mutabar would not attend the reception, as she was warned by the police on July 1 that she could have "problems" if she left Margilan.

18. (C) Tojiboyeva had no plans to curtail her human rights activism while she remained under the suspended sentence, noting "they can break my body, but they can never break my spirit." Since her release from prison, Tojiboyeva has given several interviews in which she is harshly critical of the Karimov regime, most recently in a lengthy interview with the independent Ferghana.ru website on June 24. On June 25, Tojiboyeva told poloff that she was planning to make a documentary on the Uzbek prison system entitled "Islands of Torture."

19. (C) Tojiboyeva reported to poloff and Le Rigoleur that she continues to be under heavy surveillance, noting that as many as three cars are parked outside of her home or the private medical clinic at any one time. Indeed, while escorting poloff and Le Rigoleur out of the private clinic, she pointed out a surveillance team and waved to them.

TOJIBOYEVA SAYS CONDITIONS AT PRISON IMPROVED OVER TIME

10. (C) Tojiboyeva told poloff and Le Rigoleur that conditions at the Tashkent Women's Colony, where she was imprisoned, improved after a new prison administrator was appointed six months ago. After the change in prison administration, Tojiboyeva said that she was treated "with much greater respect" than before.

11. (C) Under the old prison administrator, Tojiboyeva noted that she spent more than 100 days in isolated confinement, including almost 50 days in winter, and was not given care packages sent by her relatives. The cell in which she was held was reportedly cold and damp, and she was not provided with adequately warm clothing. Tojiboyeva believed that her medical problems stemmed from the extreme cold she endured in isolated confinement (Comment: Irregardless of whether this is true or not, it is a common belief in the former Soviet Union that many diseases are tied to the cold. End comment.) She explained that her lawyers, which included her sister and Tashkent-based human rights lawyer Rukhiddin Komilov, were often prevented from visiting her. At one point, she said that prison guards forced her to raise her arms above her head for more than four hours, during which time she was insulted and humiliated. In addition, she said that she was often forced to work by prison guards despite her poor medical condition. Prior to her conviction in 2006, Tojiboyeva also reported that she was beaten by police while in pre-trial detention in Ferghana.

HYSTERECTOMY REPORTEDLY COINCIDED WITH ICRC PRISON VISIT

¶12. (C) Tojiboyeva observed that her hysterectomy at the Tashkent hospital coincided with the International Committee of the Red Cross's (ICRC) visit to the Tashkent Women's Colony on March 25 - April 1. According to Tojiboyeva, she was released from the hospital on April 2, the day after the ICRC ended its visit. Tojiboyeva had no doubts that authorities purposely scheduled her surgery to overlap with the ICRC visit. However, Tojiboyeva said she was later interviewed by the ICRC during a later repeat visit to the Tashkent Women's Colony. Prior to the ICRC visits, Tojiboyeva reported that the prison administration attempted to clean the prison and provide inmates with new clothes and toiletries.

OBSERVES THAT CONVICTED TRAFFICKERS ARE NOT AMNESTIED

¶13. (C) Tojiboyeva reported that the Tashkent Women's Colony held approximately 1,400 prisoners, and that many of those convicted of "normal criminal offences" were amnestied each year. She noted that women convicted of religious extremism were not amnestied. Interestingly enough, she noted that another group of women who were not amnestied were those convicted of human trafficking. Tojiboyeva noted that these women were not given "lengthy sentences," but served them out (Comment: The Uzbeks have been criticized in the past for amnestying individuals, especially women, who were convicted for human trafficking. Tojiboyeva's observation, in addition to information provided by the MFA this year for the annual Trafficking-In-Persons (TIP) report, suggests that this phenomenon is less prevalent than what might have earlier been the case. End comment.)

FRENCH REQUEST THAT TOJIBOYEVA BE ALLOWED TO LEAVE UZBEKISTAN
FOR TREATMENT

¶14. (C) Le Rigoleur told Tojiboyeva that she was released shortly after French Foreign Minister Bernard Kouchner had sent a letter to President Karimov covering several issues of bilateral interest, and which also specifically requested that Karimov release Tojiboyeva. Le Rigoleur added that President Karimov later told a visiting French delegation that he had released Tojiboyeva because the French government had asked him to do so. Shortly after Tojiboyeva's release, the French Embassy also claimed credit in a press release on its website (Comment: We believe that the French comments are self-serving and that Tojiboyeva's release was the result of intensive lobbying by several like-minded Embassies, including the United States. It should be noted that Tojiboyeva was released at almost exactly the same time Assistant Secretary Richard Boucher was meeting with President Karimov on June 2. End comment.)

¶15. (C) Le Rigoleur asked Tojiboyeva's permission for the French Ambassador to request that the Uzbek government let Tojiboyeva leave Uzbekistan to receive medical treatment abroad. Tojiboyeva agreed, and then spoke briefly with the French Ambassador by cell phone. After the meeting, Le Rigoleur told poloff that the French government would be able to pay at least part of the cost of sending Tojiboyeva abroad for medical treatment, and noted that the German government was also interested in providing medical assistance to Tojiboyeva.

¶16. (C) Le Rigoleur later confirmed to poloff that the French Ambassador requested that Tojiboyeva be allowed to leave Uzbekistan during a meeting at the MFA on June 26. As of July 1, the French Embassy has not yet received a response from the MFA.

COMMENT

¶17. (C) Tojiboyeva stands tall as one of the most principled and determined human rights activists in Uzbekistan. She has suffered for it, yet remains indomitable. Given that she has

not been given an adequate diagnosis or explanation about her illness by Uzbek doctors, we agree with the French that the best option for Tojiboyeva would be for her to seek medical treatment abroad. We also assess it would be in the best interests of the Uzbeks to let her leave the country, as it will be another public relations disaster for them if Tojiboyeva's health continued to deteriorate in Uzbekistan. It remains to be seen whether they will let her go.

¶18. (C) Tojiboyeva's observation that conditions at the

Tashkent Women's Colony began to improve roughly six months ago also tracks with what we have heard from other activists (representing different human rights organizations) about conditions improving at Uzbek prisons in different regions of the country. We believe that this improvement is directly tied with the restart of ICRC prison visits in March, and that the continuation of such visits remains the best hope for encouraging further improvement in prison conditions. In addition, we believe that Tojiboyeva's comment that women convicted of human trafficking are among those not granted amnesty indicates that the government is beginning to make sure that convicted traffickers are serving real jail time.

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